

## **REMARKS**

### **STATUS OF CLAIMS**

In response to the Office Action dated October 7, 2008, claims 1, 8 and 10 have been amended, and claims 7, 9 and 11 have been cancelled. Claims 1-6, 8 and 10 are now pending in this application.

### **OBJECTION TO THE CLAIMS**

Claims 7, 8, 9, 10 and 11 have been objected to for reciting “capable of”, which the Examiner contends is not a positive limitation as it only requires the ability to so perform.

The object is moot as to cancelled claims 7, 9 and 11.

By this response, claims 8 and 10 have been amended to change “capable of” to “for”. Claim 1 has been similarly amended as it also recites “capable of”. Claim 1 has been further amended to change “the image sending device” in the first communication device to “the image sending apparatus” to provide consistency.

Further with respect to claim 10, the Examiner contends that there is insufficient antecedent support for “the image” and “the external device” in “a first communication mode for sending the image selected by the image sending apparatus to the external device”.

By this response, claim 10 has been further amended to delineate:

a first communication mode for sending *an* image selected by the image sending apparatus to *an* external device...

In view of the above, withdrawal of the objection to claims 8 and 10 is respectfully solicited.

**REJECTION OF CLAIMS UNDER 35 U.S.C. § 103**

**I.** Claim 9 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Niikawa (USPN 6,819,355) in view of Anderson et al. (USPN 7,107,516). Anderson et al. has been relied upon by the Examiner as teaching images from a camera are viewed on a PC (column 3, lines 30-39), communication between the camera and the PC is done via USB (column 5, lines 38-48) and a communication mode in which images are transferred from the external device (PC) to the image sending device (camera, column 8, lines 4-9).

Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Niikawa in view of Anderson et al., and further in view of and Fujiwara (US 2003/0085988). Fujiwara has been relied upon by the Examiner as teaching that still images stored in memory of a camera are transmitted to a PC and this requires that the camera sends an image capturing command to the external device (PC) in the form of a bulk transfer request (paragraphs [0084] - [0086] and Fig. 11).

Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka et al. (USPN 6,577,338) in view of Sato (USPN 6,950,125).

**II.** The rejections are moot as to cancelled claims 7, 9 and 11.

**III.** The indication that claims 1-6, 8 and 10 are allowable is acknowledged and appreciated.

Claims 8 and 10 have been amended to address the above-noted objections of the Examiner. Therefore, claims 1-6, 8 and 10, as amended, are believed to be allowable.

**CONCLUSION**

In view of the above amendment, applicant believes the pending claims are in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: January 5, 2009

Respectfully submitted,

By 

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